

TENNESSEE STATE BOARD OF EDUCATION		
STUDENTS IN FOSTER CARE		6505
<b>ADOPTED:</b> July 28, 2017	<b>REVISED:</b>	<b>MONITORING:</b> Review: Annually

All eligible students who submit a timely application to an authorized charter school shall be enrolled in the school, unless the number of applications exceeds the capacity of the program, in which case enrollment preferences and a lottery shall be instituted pursuant to state law.<sup>1</sup> A student's status in foster care shall not preclude him or her from enrolling in a school.

**Definition.** Children in 24-hour substitute care that have been placed away from their parents/guardians by the Department of Children's Services (DCS) in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and pre-adoptive institutions and other settings.

**Enrollment.** Students in foster care shall be immediately enrolled if accepted through the enrollment period or lottery, even if the student is unable to produce records normally required for enrollment (i.e., academic records, immunization records, health records, proof of residency).<sup>2</sup>

**School of Origin.** For the purposes of this policy, the school of origin shall mean the school a child attends when he or she enters foster care or the school a child attends when there is a change in placement address.

**Placement.** If disputed, the school, the State Board, and the child welfare agency shall determine whether placement in a particular school is in a student's best interest. Other parties, including the student, foster parents, and biological parents (if appropriate), shall be consulted. If the child has an IEP or a Section 504 plan, then the relevant school staff members shall participate in the best interest decision process. This determination shall be made as quickly as possible to prevent educational disruption.

Placement shall be determined based on the student's best interest. At all times, a strong presumption that keeping the student in the school of origin is in the student's best interest shall be maintained.<sup>3</sup>

When determining placement, student-centered factors including, but not limited to, the following shall be considered:

- (1) Preferences of the student;
- (2) Preferences of the student's parent(s) or educational decision maker(s);
- (3) The student's attachment to the school, including meaningful relationships with staff and peers;
- (4) Placement of the student's siblings;

- (5) Influence of the school climate on the student, including safety;
- (6) The availability and quality of the services in the school to meet the student's educational needs;
- (7) History of school transfers and how they have impacted the student;
- (8) How the length of the commute would impact the student, based on the child's developmental state;
- (9) Whether the child is a student with a disability under IDEA who is receiving special education services and related services or a student with a disability under Section 504 who is receiving special education or related aids and services and, if so, the availability of those required services in a school other than the school of origin; and
- (10) Whether the student is an English learner and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin, consistent with Title VI and the Equal Educational Opportunities Act (EEOA).

Transportation costs should not be considered when determining a student's best interest.

If it is not in the student's best interest to attend the school of origin, the school leader or designee shall provide a written explanation of the reasons for the determination. The written explanation shall include a statement regarding the right to appeal the placement decision. The school shall adopt an appeal policy for placement decisions that ensures the student's due process rights.

**Services.** If the student exits foster care during the academic year, he shall have the option to maintain all additional services provided through the duration of the academic year. If a student exits foster care during the school year, he may remain in the school of origin through at least the end of the academic year.

**Transportation.**<sup>4,5</sup> The State Board shall collaborate with the local child welfare agency to develop and implement clear, written procedures governing how transportation to a student's school of origin shall be provided, arranged, and funded. If it is required, the transportation will be provided for the duration of the student's time in foster care. A copy of any contracted services shall be provided to the State Board annually.

The State Board shall develop procedures to provide for transportation of students in foster care. These procedures shall ensure that:

- (1) Students in foster care requiring transportation to their schools of origin will promptly receive that transportation in a cost-effective manner and in accordance with federal law;
- (2) The requirements of section 1112(c)(5)(B) of the Every Student Succeeds Act (related to school of origin transportation for students in foster care) will be met in the event of a dispute over which agency or agencies will pay any additional costs incurred;
- (3) Transportation is promptly provided if an agency dispute is pending; and
- (4) If there are additional costs incurred in providing transportation to the school of origin, the school shall provide transportation if:

- (a) the local child welfare agency agrees to reimburse the school for the costs of such transportation;
- (b) the school agrees to pay for the cost; or
- (c) the school and local child welfare agency agree to share the cost.<sup>4</sup>

The State Board and its schools will ensure that a student in foster care, including any student awaiting foster care placement, remains in his/her school of origin while any disputes regarding transportation costs are being resolved.

**Point of Contact.** Annually, a school shall designate an employee to be the school-level foster care point of contact and notify the State Board's foster care point of contact of the individual's contact information. It shall be the responsibility of the school-level point of contact to:

- (1) Coordinate with the Department of Children's Services points of contact and the State Board's point of contact to ensure immediate enrollment of students in foster care;
- (2) Work with the Department of Children's Services points of contact and the State Board's point of contact on the placement process;
- (3) Develop and coordinate transportation procedures in accordance with federal law, this policy, and any developed operating procedures;
- (4) Work with the Department of Children's Services points of contact and the State Board's point of contact to create a process for and manage best-interest determinations and transportation cost disputes;
- (5) Develop practices and procedures that ensure that children in foster care are enrolled in and regularly attending school;
- (6) Coordinate data sharing with the Department of Education and Department of Children's Services points of contact consistent with FERPA and other privacy protocols;
- (7) Create a process for facilitating the transfer of records and immediate enrollment; and
- (8) Coordinate professional development opportunities and training to school staff on the Title I provisions and educational needs of children in foster care.

The Director of Schools shall designate an employee to be the foster care point of contact. The foster care point of contact shall be responsible for training the school-level foster care points of contact, ensuring that schools comply with federal and state law, rule, and policy with regard to students in foster care and serving as the district's contact with the Department of Children's Services. Annually, the school shall submit all written procedures, contracts, agreements, or memorandums of understanding related to serving students in foster care to the State Board's foster care point of contact.

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Legal References:

<sup>1</sup> T.C.A. § 49-13-113

<sup>2</sup> Elementary and Secondary Education Act,  
as amended by ESSA (Pub. L. 114-95), § 1111(g)(1)(E)(i)-(iv)

<sup>3</sup> Elementary and Secondary Education Act,  
as amended by ESSA (Pub. L. 114-95), § 1111(g)(1)(E)

<sup>4</sup> Elementary and Secondary Education Act,  
as amended by ESSA (Pub. L. 114-95), § 1112(c)(5)

<sup>5</sup> Elementary and Secondary Education Act,  
as amended by ESSA (Pub. L. 114-95), § 1112(c)(5)(B)(i);  
§ 475(4)(A) of the Social Security Act; 42 U.S.C. § 675(4)(A)

Cross References:

Transportation 3400